United Nations S/2018/1151

Security Council

Distr.: General
24 December 2018
English
Original: French

Letter dated 19 December 2018 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1966 (2010), adopted on 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals (the Mechanism), and in particular, to article 10, paragraph 2 of the Statute of the Mechanism (annex 1 to the resolution), on the appointment of a judge to fill a vacancy in the roster of judges of the Mechanism.

Article 8, paragraph 1, of the Statute provides that the Mechanism shall have a roster of 25 independent judges.

One of the judges of the Mechanism, Judge Mparany Mamy Richard Rajohnson (Madagascar), passed away on 2 October 2018.

Pursuant to article 10, paragraph 2, of the Statute, "[i]n the event of a vacancy in the roster, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 9 paragraph 1, of the Statute, for the remainder of the term of office concerned."

According to article 9, paragraph 1, of the Statute, "[t]he judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. Particular account shall be taken of experience as judges of the ICTY or the ICTR".

The procedure for identifying a candidate for consideration for appointment under article 10, paragraph 2, which is applicable when a vacancy arises from the death or resignation of a judge during his or her term of service, is not prescribed in the Statute. In accordance with the established practice regarding the appointment of a judge to fill a vacancy at the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, which was adopted for the purposes of filling a vacancy in the roster of judges of the Mechanism in 2016, the State of the nationality of the judge to be replaced nominates another candidate. Accordingly, the Government of Madagascar has nominated Mr. Mahandrisoa Edmond Randrianirina to replace the late Judge Rajohnson for the remainder of the term of office, which ends on 30 June 2020.

It is my view that Mr. Randrianirina meets the qualifications that are prescribed in article 9, paragraph 1, of the Statute of the Mechanism.

In accordance with article 10, paragraph 2, of the Statute of the Mechanism, I look forward to receiving your views on the appointment of Mr. Randrianirina as a judge of the Mechanism.

(*Signed*) António **Guterres**

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